

**Submission by the EU and its Member States in response to the**

**Call for submission of information by Governments and others in response to the requests from the seventh session of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury (INC7).**

This submission includes information provided by the EU and its Member States in response to the call for submission issued by the Interim Secretariat on 22 April 2016. The information below complements the information provide in the submission from the EU and its Members States of 30 April 2015 that contains relevant information regarding the use of mercury wastes thresholds, contaminated soil (see section 3 of the submission) and effectiveness evaluation.

This submission does not cover the nomination of experts to participate in work on environmentally sound interim storage and effectiveness evaluation, which has been done through separate communications.

**Article 10 - Environmentally-sound interim storage of mercury, other than waste mercury**

As specified in Article 10(1), the scope of this provision is to be defined in the light of Article 3(5)(a), which, read in combination with Article 3(1)(b), requires Parties to endeavour to identify individual stocks of mercury or mercury compounds (mercury chloride, oxide, sulphate, nitrate, sulphide and cinnabar) exceeding 50 metric tons.

The guidance to be adopted under Article 10(3) should accordingly address in priority the stocks that are expected to be identified under Article 3(5)(a).

The National Technological Centre for Mercury Decontamination (CTNDM, created by initiative and with funding of the Spanish Ministry of Agriculture, Food and Environment) was granted with the LIFE project MERSADE: a prototype was built for the safe storage of 50 tons of metallic mercury for at least 50-year period, which would guarantee zero emissions due to passive safety barriers, a permanent and remote surveillance system and an immediate intervention plan, in case it is necessary. This storage option makes it possible to keep mercury (99.99% Hg purity) in safe conditions of isolation from the biosphere. <http://www.mersade.eu/> and <http://www.ctndm.es/proyectos/3-in.php>In general, it is considered that the conditions for interim storage of 50 tons or more of mercury should respond to the same safety precautions, whether or not such mercury falls under the definition of waste set out in Article 11. Hence, the Technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with mercury or mercury compounds (adopted under the Basel Convention at COP-12, May 2015) are an important reference for drawing-up guidance under Article 10(3). <http://www.basel.int/Implementation/TechnicalMatters/DevelopmentofTechnicalGuidelines/AdoptedTechnicalGuidelines/tabid/2376/Default.aspx>

**Article 11 - Mercury wastes - use of mercury waste thresholds.**

With respect to marine dredged material, the report “Guidelines for the characterization

of dredged material and its reallocation into public waters”, developed by the Spanish Inter-ministry Commission for Marine Strategies, establishes thresholds for different contaminants, for the consideration of these materials as non-hazardous sediments (for Hg: 17 mg/kg on a dry weight basis, referred to the non-coarse fraction, less than 2 mm). [http://www.magrama.gob.es/es/costas/temas/proteccion-medio-marino/directrices2015\\_tcm7-325119.pdf](http://www.magrama.gob.es/es/costas/temas/proteccion-medio-marino/directrices2015_tcm7-325119.pdf)

## Article 12 - Contaminated sites

The following documents contain useful information for preparing draft guidance on the management of mercury-contaminated sites under Article 12(3):

- The “**Guidelines on Best Environmental Practices for the Environmental Sound Management of mercury contaminated sites**” of the Barcelona Convention (MAP/UNEP) were approved by its Conference of the Parties in 2015, with the overall objective of helping in the planning and decision making in all the steps of the remediation of a potentially polluted site. [http://195.97.36.231/dbases/MEETING\\_DOCUMENTS/15WG421\\_12\\_ENG.pdf](http://195.97.36.231/dbases/MEETING_DOCUMENTS/15WG421_12_ENG.pdf)
- REMCOSITE Sino-German Workshop 2008, Final report available at: [https://www.grs.de/sites/default/files/pdf/Remcosite\\_2008\\_Chemieabfaelle\\_0.pdf](https://www.grs.de/sites/default/files/pdf/Remcosite_2008_Chemieabfaelle_0.pdf)
- IMaHg project - Improved management for Hg-contaminated soils - final-workshop-overheads (2013), more info available at [http://snowmannetwork.com/?page\\_id=256](http://snowmannetwork.com/?page_id=256)
- Mercury Contaminated Sites – NICOLE Technical Meeting Summary Paper (2013)
- Mercury Contaminated land management – State of the Art – NICOLE Mercury Working Group Paper (2012), more info available at [www.nicole.org](http://www.nicole.org)
- Kocman D., Horvat M., Pirrone N., Cinnirella S. (2013) Contribution of contaminated sites to the global mercury budget. *Environmental Research*, 125: 160-170. doi:10.1016/j.envres.2012.12.011
- Kovalick W., Montgomery, R., [Developing a Program for Contaminated Site Management in Low and Middle Income Countries](#). The World Bank (2014).
- Sustainable Management of Contaminated Land in the EU: An Overview – CLARINET Network (2002)



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- Project "Provision of Remedial Solutions for the Boroo Mercury Contaminated Site and Recovery of Mercury" by CTNDM and EMGRISA in Spain in cooperation with POLYECO in Greece from July 2015 to December 2016. Monitoring of surface and groundwater for the remediation of mercury contaminated soils (i.e; phytoremediation, mercury fixation and zero-valent iron nanoparticles, or chemical stabilisation). <http://www.ctndm.es/proyectos/7-in.php>
- Workshop “Training on mercury management and remediation of contaminated sites”, Almadén (Spain), 18-19<sup>th</sup> November 2015, organized by UNEP/MAP and SCP/RAC in the framework of the Horizon 2020 Programme of the European Union.

It was dedicated to the management and remediation of mercury contaminated sites, with particular focus on the implementation of the Regional Plan of the Barcelona Convention (Protocol for the protection of the Mediterranean Sea against pollution from Land-Based Sources and activities). In the frame of this Workshop, different initiatives on management and remediation of mercury contaminated sites were presented, such as the reconditioning of the “Cerco de San Teodoro” slag heap (Almadén, Ciudad Real, Spain) and “La Soterraña” mercury mine (Asturias, Spain).

<http://www.cprac.org/es/archivo-de-noticias/genericas/training-on-mercury-management-and-remediation-of-contaminated-soils-a>

- The general approach to dealing with contaminated land within the UK is exemplified in Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance which is available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/223705/pb13735cont-land-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf).

A particular example is provided in the *Technical Guidance on normal levels of contaminants in Welsh soil* - attached below.



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Document

#### **Article 22 - Effectiveness evaluation**

The nature of effectiveness evaluation of the Convention will evolve over time:

- In the shorter term, this will have to be assessed on the basis of monitoring key sources of anthropogenic mercury pollution, such as supply, trade, use and emissions of mercury;
- In the longer term, reduced mercury pollution would translate in reduced levels in the environmental and living organisms, which will allow a full evaluation assessment.

Therefore, at least the first effectiveness evaluation will draw strongly on the information reported by the Parties under Article 21.

It is essential that the concept to be developed for the effectiveness evaluation takes this into account.

The main challenge concerning the effectiveness evaluation and reporting processes will be to gather comparable monitoring data on the presence and movement of mercury and mercury compounds in the environment and on the levels of mercury and mercury compounds observed in biotic media.

Reliable monitoring data is needed and the Global Mercury Observation System (GMOS) and other regional information sources available, such as the European Monitoring and Evaluation Programme (EMEP) the Arctic Monitoring and Assessment Programme (AMAP), will substantially contribute to making such data available. Furthermore, reliable monitoring data could be generated by existing networks and eventually be facilitated by the UNEP Global Mercury Partnership.

It is also of primary importance to develop a baseline. The 2013 Global Mercury Assessment and its 2018 update provide a good basis, but further exchange of information is needed to develop the baseline.

In this context, a potentially good source of information about the occurrence of mercury across media (humans, environment, food/feed) is the Information Platform for Chemical Monitoring (IPCHEM) developed by the European Commission (<https://ipchem.jrc.ec.europa.eu/RDSIdiscovery/ipchem/index.html>).

It is a decentralised system providing access to existing chemical monitoring data hosted by the Member States, EU agencies and institutions. While the initial scope was restricted to EU/Europe, this is currently being expanded to include OECD data that cover the whole world.

IPCHEM could contribute to effectiveness evaluation in two ways:

- by providing access to existing monitoring data on mercury across media and thus allowing to build a baseline for later comparison;
- it could be made available for storing data generated within or for the purposes of effectiveness evaluation.

Furthermore, the EU has supported research on traceability for Mercury Measurement within the MeTra project under the European Metrology Research Programme (more information is available at: <http://projects.lne.eu/JRP/MeTra/project-overview/index.asp>).